



NEVADA STATE BOARD OF MEDICAL EXAMINERS NEWSLETTER

VOLUME 43

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July 2011

FEATURED IN THIS ISSUE:

State Epidemiologist, Dr. Ihsan Azzam

On why healthcare providers should be immunized. *See page 8.*

ALSO IN THIS ISSUE:

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COMING IN THE NEXT ISSUE:

Additional Legislative Changes

76th SESSION AND THE CHANGES TO OUR MEDICAL PRACTICE ACT

At the 76th Session of the Nevada Legislature, the Board proposed multiple changes to Chapter 630 of the Nevada Revised Statutes. The Board was fortunate enough to have Senator (Dr.) Joseph Hardy, Las Vegas, sponsor the Board’s bill (SB168). After much hard work, the bill was adopted by both houses of the Legislature, and thereafter signed into law by Governor Brian Sandoval. The changes will become effective on October 1, 2011.

Among the highlights of the bill:

The requirements for physician licensees to report certain information concerning surgeries will change. Physicians are still required to report procedures done in office that require conscious sedation, deep sedation or general anesthesia, and negative reports are still required; however, the reporting will now be accomplished as part of the license renewal cycle. This is a marked change from the current annual reporting requirement. Of additional change and import, any in-office surgical procedure which results in a sentinel event must be reported to the Board within 14 days of the event.

Healthcare records requested for inspection or copying that are located in the state of Nevada must be made available to the requestor within five (5) days of the request.

Any medical facility (hospital, clinic) and any medical society must report to the Board a change in the privileges of a Board licensee within five (5) days, if the change in privileges is based on an inquiry into the mental, medical or psychological competency of the licensee, or if the inquiry is based on suspected or alleged substance abuse.

The standard of proof in Board disciplinary matters will revert back to the former standard of “preponderance of the evidence.”

In the future, when a physician licensee fails to renew his/her medical license on or before July 1 of an odd-numbered year, the change in status will be indicated as “expired,” as opposed to the current statutory designation of “suspended.”

For a full review of the bill please go the Nevada State Legislative website: www.leg.state.nv.us.

MISSION STATEMENT

The Nevada State Board of Medical Examiners serves the state of Nevada by ensuring that only well-qualified, competent physicians, physician assistants, respiratory therapists and perfusionists receive licenses to practice in Nevada. The Board responds with expediency to complaints against our licensees by conducting fair, complete investigations that result in appropriate action. In all Board activities, the Board will place the interests of the public before the interests of the medical profession and encourage public input and involvement to help educate the public as we improve the quality of medical practice in Nevada.

MORE CHANGES TO THE LAW YOU NEED TO KNOW!!

Several bills passed during the 2011 Legislative Session resulting in changes to the law that may affect your practice. These bills will be discussed more fully in the fall newsletter; however, in addition to SB168, described on page 1, here are highlights you should be aware of:

- Medical assistants will now be defined as those who perform clinical tasks under the supervision of a physician or physician assistant, but do not include those who only perform administrative, clerical, executive or other nonclinical tasks. SB294
- NRS Chapter 454 has been amended to clearly delineate that medical assistants may possess and administer a drug or medicine at the direction of the prescribing physician and under the supervision of a physician or physician assistant. SB294
- Knowingly procuring or administering a controlled substance or dangerous drug as defined in NRS chapter 454 that is not approved by the FDA except under certain circumstances will now be a basis for disciplinary action to be initiated against a licensee. AB537
- Existing law authorizes the Board of Medical Examiners to issue a license to practice medicine to any person who meets certain requirements (NRS 630.160). This bill revises the requirements that must be met before applying for a license to practice medicine to allow a resident who is enrolled in a progressive postgraduate training program in the United States or Canada and who has completed certain other existing requirements to be considered for a license after completing 24 months of the program and committing, in writing, to complete the program. The bill requires such an applicant for a license to submit proof of satisfactory completion of the program within 60 days after the scheduled completion of the program. SB117

These bills have not yet been codified and are not reflected in the Nevada Revised Statutes. We will notify you as soon as this occurs. However, if you need copies of the language of any of these changes or have any questions about these, or any other changes to the Nevada Revised Statutes referred to in this newsletter, please contact the Board for more information.

MALPRACTICE REPORTING REQUIREMENTS

Physicians are required to report to the Board within 45 days the following occurrences:

1. After receiving a summons and complaint initiating a malpractice action;
2. After any claim for malpractice against a physician is submitted to arbitration or mediation;
3. After settlement, award, judgment or other disposition of a malpractice claim as described in #1 and #2;
4. After imposition of any sanctions that are reportable to the National Practitioner Data Bank.

A separate report is required for each occurrence. Although attorneys often provide such reports to the Board on behalf of their physician clients, please do not rely solely on your attorney; these reports are ultimately your responsibility and failure to make them may result in the imposition of a fine of up to \$5,000 and the initiation of disciplinary action against your license.

For more information, please see Nevada Revised Statute §630.3068 or contact the Board for more information. A link to the Nevada Revised Statutes may be found on the Board's website.

A LOST LEADER

The Board of Medical Examiners wishes to send its condolences to the Dr. Theodore Jacobs family for their loss, on May 15, 2011, when Dr. Jacobs passed away. Dr. Jacobs, who was not only a wonderful family man, was an outstanding physician and was one of the longest-serving Board members on record, having served on the Board from 1975 to 1995. He was the Board Vice President and served as its President for 15 years. He presided over many changes in the regulation of medicine in Nevada during those years, and was appointed and reappointed by four Governors during his tenure. He will be greatly missed.

ASSOCIATION AND SOCIETY CORNER

The opinions expressed in the Society and Association articles are those of the authors, and do not necessarily reflect the opinions of the Nevada State Board of Medical Examiners, its Board members or its staff.

Nevada Medicine and the 2011 Legislature

Larry Matheis, Executive Director,
Nevada State Medical Association

In a previous column about the issues and concerns of Nevada physicians regarding the then-upcoming Legislative Session, I noted: "The 2011 Legislative Session has all the makings of being a political and policy watershed for the State of Nevada and possibly a disaster." While it's unclear whether this was a watershed (at least partially because the long-term state budget/revenue imbalance wasn't resolved and the constitutionally required redistricting of the state's congressional and legislative districts wasn't completed), it was not quite a disaster for the practice of medicine in Nevada.

Indeed, proposals which might well have created or enhanced crises of access and availability of medical care were averted. A number of new laws address critical health care policy issues (most of which were identified during the past two years in media stories) that do affect physicians, the health care system, patients and the public. Let's take a quick look at this unusual legislative session.

With the largest percentage budget deficit, it wasn't surprising that the proposed largest cuts were in the state's largest budget (outside of K-16), that of the Department of Health and Human Services (http://dhhs.nv.gov/BudgetInfo_FY12-13.htm). Medicaid, mental health services and health-related services for seniors and people with disabilities were all facing serious budget cuts. While each area was cut, at the end of the day (a helpful decision by the Nevada Supreme Court), some \$600-700 million in tax increases passed in 2009 (that were expected to be eliminated) were added back to the revenue side of the equation. At least for now, there are no additional cuts in Medicaid payment for physician services in this biennium. The worst mental health services cuts were avoided, as were the most painful of the cuts for services for the disabled.

Access to physician services was protected by the defeat of AB149, another proposal to weaken the hard-won Nevada

medical liability reforms in the 2004 ballot question ("Keep Our Doctors in Nevada"). In a rare action expanding liability protection, the Legislature overwhelmingly passed AB98, which enacted the Uniform Emergency Volunteer Health Practitioners Act. This law will strengthen efforts to encourage physicians and other health professionals to volunteer for disaster preparedness and response. The law covers the training for, and response to, disasters in Nevada or other states.

Extensive media and political attention have focused during the last several years on a series of patient safety concerns. These concerns were intensified and focused as a result of the 2008 Las Vegas hepatitis C outbreak (<http://www.southernnevadahealthdistrict.org/hepc-investigation/index.php>) and the news stories about questionable injection practices that may have led to the outbreak. In 2009, the Legislature adopted the largest package of legislation responding to injection practices in the nation. During the last 2 years, a series of news stories in the Las Vegas SUN (<http://www.lasvegassun.com/hospital-care/>) focused on patient safety and quality of care issues in southern Nevada hospitals.

This year, the Legislature adopted numerous bills aimed at addressing the various issues raised in these and related news stories. These bills were amended frequently through the end of the Session to make them implementable. AB280 requires the adoption of patient safety checklists in licensed medical facilities. SB209 requires public reporting of sentinel event data by hospitals. SB264 requires reporting of facility-acquired infections and other unexpected occurrences that could cause serious physical or psychological injuries. SB338 requires reporting to a patient or the patient's family of facility-acquired infections within five (5) days of a confirmed diagnosis. SB340 requires collecting surgical data by physician and facility. SB419 requires every licensed professional to attest to knowledge and compliance with the CDC's guidelines (http://www.cdc.gov/injectionsafety/IP07_standardPrecaution.html) concerning prevention of transmission of diseases through safe and appropriate injection practices. Many of these new laws will require regulations to be

adopted by the State Health Division or other agencies and many require public transparency on the state website or in other public places.

The last couple of years also saw repeated headline stories (for example – http://www.lasvegassun.com/news/topics/painful_painkillers/?page=2) about prescription drug misuse. As a result, 21 bills were introduced to deal with some aspect of these issues. While the most bureaucratic or wrongheaded of these bills were defeated, a number of useful measures were adopted. AB119 allows an expansion of successful collaboration efforts between physicians and pharmacists in limited circumstances. SB114 enhances the activities of Nevada's successful Prescription Controlled Substance Abuse Prevention Program. AB61 extends the existence of the "Working Group on Methamphetamine Use in Nevada" and expands its portfolio to include all forms of drug abuse. SB329 extended the current law that authorizes prescribing physicians to request that pharmacies include on the label the purpose of the prescription if the patient requests it. The new rule requires signage explaining this right and requires the Board to encourage physicians to obtain CMEs concerning methods of educating patients about how to effectively manage medications.

This only highlights some of the 122 measures that affect health care which passed this session (another 136 health care measures failed to pass). SB115 passed, but was vetoed. This bill would have designated charges for services by non-contracted physicians and hospitals providing care for insured patients. There were 1,149 measures proposed in the 2011 Session. 268 (24%) of them affected health care. Anyone who would like a copy of the NSMA summary of all of these health-care-related bills can e-mail me (lmatheis@nsmadocs.org) for a copy.

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HEALTH PROFESSIONALS ASSISTANCE PROGRAMS

The Nevada State Board of Medical Examiners currently has memorandums of understanding with the following providers to provide assessment, treatment and/or referral for health professionals in the areas of addictive disease, disruptive behavior, mental impairment and others.

If you or a colleague is in need of these services, or needs to inquire regarding fees, please contact the organization(s) directly:

Case Management Services of Nevada, Inc. (CMS)

Services available in northern and southern Nevada

Contact: Sandra Lee

Address: 888 West 2nd Street, Suite 200, Reno, NV 89503

Phone: 775-247-3619

E-mail: sandralee595@hotmail.com

LifePath Recovery LLC (LPR)

Services available in northern Nevada

Contact: Murray Brooks, LADC

Address: P.O. Box 919, Carson City, NV 89702

Phone: 775-220-1479

E-mail: murraybrooks1@hotmail.com

Nevada Professionals Assistance Program (NPAP)

Services available in northern and southern Nevada

Contact: Peter A. Mansky, M.D., Executive Medical
Director

Address: 9811 W. Charleston Blvd., Suite 2-735,
Las Vegas, NV 89117

Phone: 702-521-1398

E-mail: NPAP@Cox.net

Professional Recovery Network (PRN)

Services available in northern and southern Nevada

Contact: Larry Espadero, LADC

Address: Please call for address

Phone: 702-251-1377

E-mail: larry.espadero@psysolutions.com

BOARD ELECTS OFFICERS

At its June 2011 quarterly meeting, the Nevada State Board of Medical Examiners elected Benjamin J. Rodriguez, M.D., a practicing plastic surgeon from Las Vegas, as Board President, and Theodore B. Berndt, M.D., a practicing cardiologist from Reno, as Board Vice President. Valerie J. Clark, BSN, RHU, LUTCF, a public member of the Board, was re-elected Board Secretary-Treasurer. The terms of office are for one year.

BOARD MEMBERS

Benjamin J. Rodriguez, M.D., *President*
Theodore B. Berndt, M.D., *Vice President*
Valerie J. Clark, BSN, RHU, LUTCF, *Secretary-Treasurer*
Javaid Anwar, M.D.
Beverly A. Neyland, M.D.
Michael J. Fischer, M.D.
Donna A. Ruthe
Sue Lowden
Vacancy (physician member)

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Douglas C. Cooper, CMBl, *Executive Director*

BOARD PRESIDENT RECIPIENT OF PRESTIGIOUS JEFFERSON AWARD

Board President, Benjamin J. Rodriguez, M.D., recently traveled to Washington, D.C. to accept a Jefferson Award. He was selected to represent Nevada at the national level. He was honored for his 20+ years of travel to many parts of the inhabited world to perform and teach plastic surgery for the correction of congenital and acquired deformities. Besides international humanitarian work, he has and still donates a large portion of his free time to local, regional, state and national organizations.

The Jefferson Awards are a prestigious national recognition system honoring community and public service in America. The Jefferson Awards are presented on two levels: national and local. They began in 1972 to create a Nobel Prize for public service. Today, their primary purpose is to serve as a "Call to Action" for volunteers in local communities.

2011 BME MEETING & HOLIDAY SCHEDULE

January 17 – Martin Luther King, Jr. Day holiday
(observed)

February 21 – Presidents' Day holiday (observed)

March 11-12 – Board meeting

May 30 – Memorial Day holiday (observed)

June 10-11 – Board meeting

July 4 – Independence Day holiday

September 5 – Labor Day holiday (observed)

September 9-10 – Board meeting

October 28 – Nevada Day holiday (observed)

November 11 – Veterans' Day holiday

November 24-25 – Thanksgiving/family day holidays

December 2-3 – Board meeting

December 26 – Christmas holiday (observed)

Unless otherwise noted, Board meetings are held at the Reno office of the Nevada State Board of Medical Examiners and videoconferenced to the conference room at the offices of the Nevada State Board of Medical Examiners/Dental Examiners, 6010 S. Rainbow Blvd., Building A, Suite 1, in Las Vegas.

Hours of operation of the Board are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

WHOM TO CALL IF YOU HAVE QUESTIONS

Management: Douglas C. Cooper, CMBl
Executive Director

Edward O. Cousineau, J.D.
Deputy Executive Director

Administration: Laurie L. Munson, Chief

Investigations: Pamela J. Castagnola, CMBl, Chief

Legal: Lyn E. Beggs, J.D., General Counsel

Licensing: Lynnette L. Daniels, Chief

LICENSING & INVESTIGATIONS

BOARD APPOINTS CHIEF OF INVESTIGATIONS

On June 10, 2011, the Board of Medical Examiners promoted Pamela J. Castagnola, CMBl, to the position of Chief of Investigations. Ms. Castagnola has been with the Board since 2001, and served as the Board's Interim Chief of Investigations and Deputy Chief of Investigations prior to her appointment. Ms. Castagnola can be reached at (775) 688-2559 or (888) 890-8210, ext. 237.

LICENSING STATS 2011 – YEAR TO DATE

For the year to date, the Board has granted the following licenses:

- 264 physician licenses
- 84 limited licenses for residency training
- 33 physician assistant licenses
- 67 practitioner of respiratory care licenses
- 1 perfusionist license

INVESTIGATIVE COMMITTEE STATS 2011 – YEAR TO DATE

Investigative Committee A, Year to Date

| | |
|---|-----|
| Total Cases Considered | 238 |
| Total Cases Authorized for Filing of Formal Complaint (to be Published) | 23 |
| Total Cases Authorized for Peer Review | 4 |
| Total Cases Requiring an Appearance | 19 |
| Total Cases Authorized for a Letter of Concern | 36 |
| Total Cases Authorized for Further Follow-up or Investigation | 7 |
| Total Cases Reviewed for Compliance | 0 |
| Total Cases Authorized for Closure | 149 |

Investigative Committee B, Year to Date

| | |
|---|-----|
| Total Cases Considered | 177 |
| Total Cases Authorized for Filing of Formal Complaint (to be Published) | 4 |
| Total Cases Authorized for Peer Review | 3 |
| Total Cases Requiring an Appearance | 13 |
| Total Cases Authorized for a Letter of Concern | 35 |
| Total Cases Authorized for Further Follow-up or Investigation | 4 |
| Total Cases Reviewed for Compliance | 0 |
| Total Cases Authorized for Closure | 118 |

NOTIFICATION OF ADDRESS CHANGE, PRACTICE CLOSURE AND LOCATION OF RECORDS

Pursuant to NRS 630.254, all licensees of the Board are required to "maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent." A licensee must notify the Board in writing of a change of permanent mailing address within 30 days after the change. Failure to do so may result in the imposition of a fine or initiation of disciplinary proceedings against the licensee.

Please keep in mind that the address you provide will be viewable by the public on the Board's website.

Additionally, if you close your practice in Nevada, you are required to notify the Board in writing within 14 days after the closure and for a period of 5 years thereafter, keep the Board apprised of the location of the medical records of your patients.

HEALTH DIVISION CORNER

STATE OF NEVADA

BRIAN SANDOVAL
Governor

MICHAEL J. WILLDEN
Director



RICHARD WHITLEY, MS
Administrator

TRACEY D. GREEN, MD
State Health Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH DIVISION

4150 Technology Way, Suite 300
Carson City, Nevada 89706
Telephone: (775) 684-4200 · Fax: (775) 684-4211

May 20, 2011

During the after action planning following the H1N1 pandemic of 2009/2010, the NSHD recognized the opportunity to improve its ability to facilitate effective communication during future health emergencies. The Department is developing a Physician Emergency Communication System and would like to invite physicians to participate in improving the communication. The Nevada State Health Division has already implemented the software to allow us to broadcast important information directly to you by landline, cell phone, fax or email in the case of a health emergency. We can direct messages based on selecting individuals, groups, geographic locations or we can broadcast to an entire database of public health and medical professionals.

Our current task is to create a database of approximately 250 physicians to test the system before launching a statewide campaign. You can help us make this a reality by filling out a copy of the enrollment form for each physician in your group. The form can be found on the Health Division's website <http://health.nv.gov/index.htm>. Once we have achieved our 250 physician goal we will conduct the pilot test which involves sending you messages according to the methods of contact on the enrollment form. Other than letting us know if you encountered any problems during the test, no other action is required from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey Green MD".

Dr. Tracey Green
State Health Officer
Nevada State Health Division

Public Health: Working for a Safer and Healthier Nevada

Immunized Healthcare Providers: A Win-Win Situation

**Dr. Ihsan Azzam, M.D. Ph.D, MPH
Nevada State Epidemiologist**

Protect yourself, protect others

Immunization is the most effective primary prevention tool for vaccine-preventable infectious diseases (VPDs). Additionally, adult immunization is also important for protecting vulnerable infants and children. While healthcare providers and personnel (HCPs) are to be recognized for their great efforts to increase immunization rates against diseases such as measles, influenza, meningococcal meningitis, and mumps, current rates of immunization among HCPs themselves continue to be discouraging or mediocre at best.

HCPs are at significant risks for occupational exposure to communicable diseases because they are in close proximity to patients and/or contaminated environments. Therefore, acquiring and maintaining an adequate immunity status could be their best defense against such inevitable exposures. Providers who are not up to date on their own immunization schedule are at high risk of contracting and subsequently transmitting infections to patients, coworkers, and family or community members. Particularly vulnerable groups include older nursing home residents. Hence, immunizing HCPs could be an excellent measure for protecting patients and preventing VPD outbreaks in long-term skilled nursing facilities.

Epidemiological Studies

Despite clear and repeated recommendations from the Centers for Disease Control and Prevention (CDC) and several other agencies that HCPs should receive annual flu shots, influenza immunization rates among providers remain surprisingly low. Below-expectation rates among HCPs were also observed during the recent H1N1 flu pandemic. This is particularly troubling since influenza is the number one cause of vaccine-preventable death in the United States.

The best way for providers to keep current with the latest revisions in NAC 441A guidelines regarding communicable diseases is to visit:

Since 1986, the Healthcare Infection Control Practices Advisory Committee (HICPAC) and the Advisory

Committee on Immunization Practices (ACIP) have recommended that HCPs receive annual influenza vaccinations. However, according to estimates from the National Health Interview Survey, the overall influenza vaccination coverage among HCPs has never exceeded 49% in any season for the past 20 years. It is important to emphasize that in August 2009, ACIP declared HCPs as one of the five initial priority groups to receive the influenza A (H1N1) 2009 monovalent vaccine. That year, seasonal influenza vaccine became available in August, and the H1N1 monovalent vaccine became available in October. However, by mid-January 2010, estimated vaccination coverage among HCPs was 37.1% for the 2009 H1N1 and 61.9% for seasonal influenza; with an overall 64.3% for HCPs who received either of these two influenza vaccines. Although such a "combined" coverage was higher than any other season, only 34.7% of HCPs reported receiving both vaccines as recommended.

Epidemiologists from the University of Iowa Health Care (UIHC) found that healthcare personnel are more likely to be vaccinated if a close contact co-worker is also vaccinated. UIHC researchers observed also that unvaccinated healthcare personnel tended to have fewer vaccinated co-workers. By comparison, vaccinated healthcare personnel tend to have more interactions with co-workers and were more likely to be surrounded by other vaccinated co-workers.

Epidemiological studies demonstrate that proper immunization of HCPs is effective in decreasing the incidence of laboratory-confirmed influenza among providers and their patients. Two recent randomized controlled studies in nursing homes showed that immunizing HCPs against influenza resulted in a significant reduction in the overall mortality rate among residents, regardless of patients' vaccination status and rates. Additionally, facilities that attained higher rates of influenza vaccination among their employees experienced fewer outbreaks and minimal sick-leave use.

Patient Safety Policies Work

In a five-year interval, the Children's Mercy Hospital and Clinics in Kansas City increased their staff influenza vaccine rate from 63 percent to 90.5 percent by instituting a mandatory vaccination/declination policy.

As part of its continual efforts to improve patient safety, Hospital Corporation of America (HCA) established a mandatory vaccination policy across its 163 hospitals, 112

outpatient centers, and nearly 400 physician practices. This policy was developed by representatives of numerous disciplines including emergency preparedness, infection prevention and epidemiology, human resources, and pharmacology. It was implemented during the 2009-2010 influenza season, requiring all healthcare personnel to receive seasonal influenza vaccine. Those who could not or would not be vaccinated due to egg allergy, history of Guillain-Barré Syndrome, or religious or philosophical convictions were reassigned to non-patient contact roles or required to wear masks. The campaign also included prevention strategies such as promoting “protected” cough, proper sneeze etiquette, adequate hand hygiene, sick visitor guidelines, and environmental health tips. As an immediate result of the campaign efforts, almost 97 percent of HCPs at the HCA (more than 150,000 individuals) received their flu shots. The remaining three percent wore masks in order to promote and support the goal of 100 percent patient safety.

The experience from HCA also demonstrated that combining vaccination education with conveniently offered immunization clinics and declination strategies can achieve modest improvements. Consistent with that observation, systematic efforts such as those carried by the University Health System (UHS) in San Antonio, Texas were capable of raising the vaccination rate among their healthcare workers from 59 percent in 2009 to 77 percent in 2010. According to a recent CDC report, during the 2009 H1N1 pandemic, an *employer-required* policy of vaccination at a facility was associated with an eightfold greater likelihood of vaccination compared to facilities with neither requirements nor recommendations. On the other hand, *employer-recommended* vaccination was associated with a fourfold greater probability of 2009 H1N1 vaccination.

Vaccination Recommendations

In addition to seasonal influenza immunization, several vaccine and booster shots such as Tdap are currently recommended for all HCPs. Immunization for Hepatitis B is also recommended for those who come in contact with blood and sharp instruments. Additionally, all HCPs who come in direct contact with patients should already be immunized for measles mumps, rubella and varicella, which are key vaccine-preventable diseases. The table below summarizes the most recent CDC recommendations.

Healthcare Personnel Vaccination Recommendations in Brief

| Vaccine | Recommendations in Brief |
|---|--|
| Hepatitis B | Give 3-dose series (dose #1 now, #2 in 1 month, #3 approximately 5 months after #2. Give IM. Obtain anti-HBs serologic testing 1–2 months after dose #3. |
| Influenza | Give 1 dose of influenza vaccine annually. Give inactivated injectable influenza vaccine intramuscularly or live attenuated influenza vaccine (LAIV) intranasally. |
| MMR | For healthcare personnel (HCP) born in 1957 or later without serologic evidence of immunity or prior vaccination, give 2 doses of MMR, 4 weeks apart. For HCP born prior to 1957, see below ¶ Give SC. |
| Varicella | For HCP who have no serologic proof of immunity, prior vaccination, or history of varicella disease, give 2 doses of varicella vaccine, 4 weeks apart. Give SC. |
| Tetanus, diphtheria, pertussis | Give a one-time dose of Tdap as soon as feasible to all HCPs who have not received Tdap previously. Give Td boosters every 10 years thereafter. Give IM. |
| Meningococcal | Give 1 dose to microbiologists who are routinely exposed to isolates of <i>N. meningitidis</i> . Give IM or SC. |
| <p><i>Hepatitis A, typhoid, and polio vaccines are not routinely recommended for HCPs who may have on-the-job exposure to fecal material.</i> <i>Adopted from CDC – for more information please visit www.cdc.gov/vaccines/pubs/ACIP-list.htm.</i></p> | |

HCPs born in 1957 or later can be considered immune to measles, mumps, or rubella only if they have documentation to demonstrate that they have one of the following two items:

- a. Laboratory confirmation of disease or immunity (HCPs who have an “indeterminate” or “equivocal” level of immunity upon testing should be considered non-immune).
- b. Appropriate vaccination against measles, mumps, and rubella (i.e., 2 doses of live measles and mumps vaccines given on or after the first birthday, separated by 28 days or more and at least 1 dose of live rubella vaccine).

Although birth before 1957 generally is considered acceptable evidence of measles, mumps, and rubella immunity, healthcare facilities should consider recommending 2 doses of MMR vaccine routinely to unvaccinated HCPs born before 1957 that do not have laboratory evidence of disease or immunity to measles, mumps, and/or rubella. For these same HCPs who do not have evidence of immunity, healthcare facilities should recommend 2 doses of MMR vaccine during an outbreak of measles or mumps and 1 dose during an outbreak of rubella.

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SB419 Safe Injection Practice - How It Will Affect You

We previously reported that Board staff has been actively involved in the “One & Only” Campaign’s Nevada pilot promoting injection safety. Nevada is one of only three pilot states chosen nationally to participate in this public health campaign led by the Centers for Disease Control and Prevention and the Safe Injection Practices Coalition. The mission of this campaign is to promote greater adherence to basic infection control procedures for healthcare providers who administer any type of injections, as well as to educate patients and healthcare providers on safe injection practices. We are pleased to report that during the recent Nevada legislative session, SB419 was passed, and on June 13, 2011, Governor Brian Sandoval signed it into law. The full history and text of the bill can be found on the Nevada State Legislature’s website at: www.leg.state.nv.us.

This new Nevada law will go into effect on October 1, 2011, and Chapter 630 of the Nevada Revised Statutes, our Medical Practice Act, will be amended adding a new section requiring that certain healthcare professionals, including physicians, physicians assistants and perfusionists, applying for new or renewed licenses in Nevada, “attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and

Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.” Physicians additionally must provide an attestation that unlicensed persons (i.e., Medical Assistants) under their supervision and/or control, with duties including administering injections to patients, are knowledgeable regarding safe injection practices and are compliant with the CDC guideline entitled *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*. This document can also be accessed at <http://www.cdc.gov/hicpac/pdf/isolation/Isolation2007.pdf>.

The CDC also has an Injection Safety page that may be helpful, <http://www.cdc.gov/injectionsafety/>. In addition, free educational materials have been developed to increase knowledge about safe injection practices and are available for download or can be ordered on the One and Only Campaign’s website, www.OneandOnlyCampaign.org. The online Safe Injection Practices Training Program can be accessed at www.nevadacme.com. For more information on the materials and to learn more about the Nevada One and Only Safe Injection Campaign, visit their website at www.oneandonlycampaign.org.

SAFE INJECTION PRACTICES CME/CE

MEDSCAPE.ORG now provides FREE CME/CE on Safe Injection Practices. Take advantage of these free CME/CE credits and encourage your clinical staff to earn credits too (Nurses and Certified Medical Assistants). Remember, you will have to attest to knowledge of Safe Injection Practices on your 2013 renewal! To learn more, go to: <http://oneandonlycampaign.org/news/launch-free-cmece-continuing-education-activity-safe-injection-practices-healthcare-providers-a>.

To sign up for the free CME/CE, go to:
<http://www.medscape.org/viewarticle/745695>.



The advertisement is a rectangular box with a light green background. At the top, it says "SAFE INJECTION PRACTICES CME/CE". Below this, it promotes "FREE CME/CE on Safe Injection Practices" from Medscape. It includes a video player showing three people at a table. To the right of the video, it says "Free CME Unsafe Injection Practices: Outbreaks, Incidents, and Root Causes" and has a "Learn More" button. At the bottom, it says "Brought to you by the Safe Injection Practices Coalition" and the "Medscape EDUCATION" logo.

CIVIL SURGEON OPPORTUNITY

Board of Medical Examiners Executive Director Douglas C. Cooper, CMBI, and Deputy Executive Director Edward O. Cousineau, J.D., met with officials from U.S. Citizenship and Immigration Services (USCIS) on Thursday, July 14, to discuss a possible opportunity for medical doctors in our state – being designated as civil surgeons.

USCIS District Director John Kramar and Reno Field Office Director Monica Toro explained that some immigrants, such as those applying to become a permanent resident or “green card” holder, are required to have a medical examination. If they apply within the United States, this physical and mental examination must be conducted by a medical doctor designated by USCIS as a civil surgeon.

USCIS’s Reno Field Office serves 13 counties in Nevada: Carson, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine. Only six of these currently have civil surgeons. There are no doctors with this designation north of I-80 or in the middle of the state to assist patients filing for immigration benefits.

The medical exam is designed to identify the presence or absence of certain illnesses that could make an applicant inadmissible to the United States. Because the Centers for Disease Control (CDC), United States Public Health Service (PHS), is responsible for ensuring that those entering the United States do not pose a threat to the public health of this country, the exam is performed according to CDC’s Technical Instructions for the Medical Examinations of Aliens in the United States.

Civil surgeons follow procedures set by the Department of Homeland Security (DHS). The doctors ensure that the person appearing for the medical examination is the same person applying for immigration benefits, and report the required tests and exam results. A civil surgeon does not determine whether an individual is eligible for adjustment of status; that determination is made by USCIS based on all records, including the medical exam report. USCIS does not regulate the fees charged by civil surgeons for the completion of a medical examination.

Details of the medical exam requirements can be found on the CDC website:

<http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html>.

If interested in being designated as a civil surgeon, you should submit the following to the USCIS Reno Field Office:

- A letter to the District Director requesting consideration
- A copy of a current medical license
- A current resume showing 4 years of professional experience, not including a residency program
- Proof of U.S. Citizenship or lawful status in the United States
- Two signature cards showing name typed and signature below

You may obtain more information at the USCIS website: www.uscis.gov.

– USCIS –

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2010 ANNUAL REPORT HIGHLIGHTS

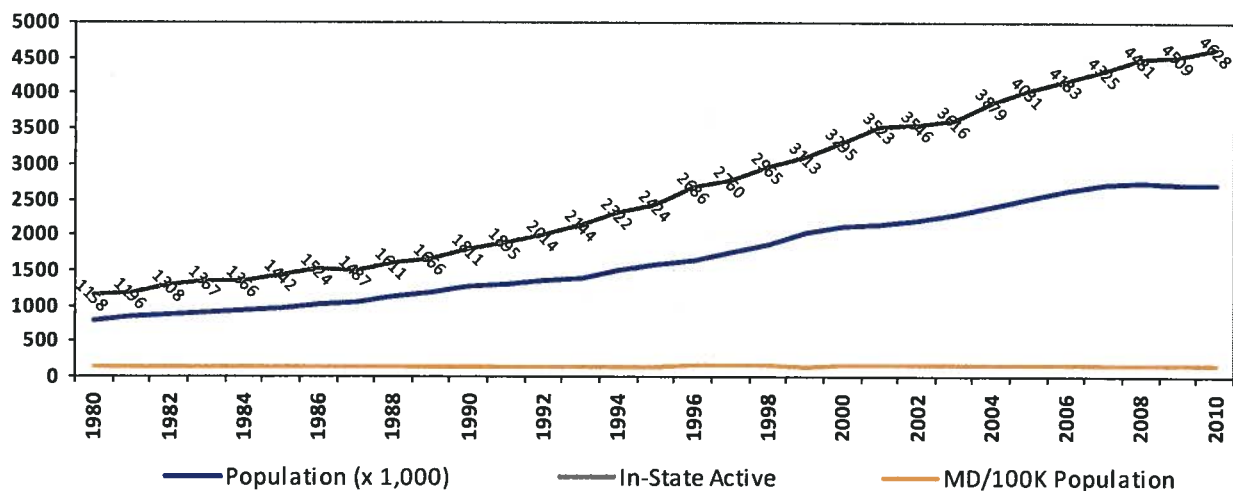
The Board licenses physicians, physician assistants, respiratory therapists and perfusionists. In 2010, the Board issued the following new licenses:

| Practice | |
|------------------------|-----|
| Physicians | 437 |
| Physician Assistants | 54 |
| Respiratory Therapists | 141 |
| Perfusionists | 27 |

Medical Doctor to Population Ratio Statistics

In 2010, the ratio of physicians to 100,000 population* again increased over the previous year. The following graph shows the growth of the state's population (measured in thousands so that the trend line will fit on the graphs), the growth in the state's active, in-state physician population (in absolute numbers), and the ratio of physicians to population (measured as physician per 100,000 population). From 1980 through 1992, the ratio of physicians to 100,000 population was relatively static, staying between 140 and 151 physicians per 100,000 population throughout these years. From 1993 through 2007, the ratio increased, averaging between 153 to 161 physicians per 100,000. In 2008, the ratio increased to 164, in 2009 it increased to 166, and in 2010, the ratio increased again, to 170.

Comparison of Population With In-State Active Physicians



*Population statistics provided by the Nevada State Demographer, University of Nevada.

Medical Doctor Licensure Statistics (2001-2010)

The growth in physician licensure for active, in-state physicians in 2010 was 2.6% over 2009. The following table is a county-by-county breakdown of physician licenses for the last ten years. Notable on the table is the overall stasis in the state's counties, with only Clark County showing a significant increase. Washoe and Carson City Counties experienced slight growth.

| County | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Carson City | 125 | 137 | 141 | 141 | 143 | 144 | 140 | 142 | 143 | 151 |
| Churchill | 21 | 21 | 24 | 25 | 24 | 22 | 21 | 23 | 22 | 20 |
| Clark | 2314 | 2321 | 2366 | 2578 | 2729 | 2850 | 2949 | 3060 | 3086 | 3186 |
| Douglas | 67 | 72 | 74 | 82 | 79 | 82 | 93 | 97 | 85 | 84 |
| Elko | 50 | 48 | 41 | 41 | 42 | 41 | 41 | 46 | 45 | 46 |
| Esmeralda | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eureka | 1 | 2 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 0 |
| Humboldt | 7 | 6 | 7 | 6 | 6 | 7 | 9 | 9 | 10 | 9 |
| Lander | 3 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | 3 | 3 |
| Lincoln | 2 | 3 | 1 | 2 | 1 | 1 | 1 | 2 | 2 | 2 |
| Lyon | 10 | 14 | 15 | 12 | 11 | 13 | 13 | 11 | 14 | 13 |
| Mineral | 5 | 6 | 4 | 6 | 6 | 5 | 6 | 5 | 6 | 6 |
| Nye | 18 | 21 | 22 | 23 | 20 | 18 | 19 | 17 | 16 | 15 |
| Pershing | 2 | 2 | 2 | 2 | 2 | 3 | 2 | 2 | 2 | 3 |
| Storey | 0 | 0 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 |
| Washoe | 889 | 879 | 903 | 944 | 952 | 981 | 1017 | 1056 | 1064 | 1081 |
| White Pine | 9 | 11 | 11 | 12 | 12 | 12 | 11 | 8 | 10 | 9 |
| In-State Active Status | 3523 | 3546 | 3616 | 3879 | 4031 | 4183 | 4325 | 4481 | 4509 | 4628 |
| Out-of-State Active Status | 824 | 991 | 956 | 1206 | 1076 | 1388 | 1309 | 1655 | 1577 | 1888 |
| TOTAL ACTIVE STATUS | 4347 | 4537 | 4572 | 5085 | 5107 | 5571 | 5634 | 6136 | 6086 | 6516 |
| Inactive & Retired Statuses | 1033 | 1010 | 902 | 898 | 833 | 834 | 776 | 760 | 781 | 770 |
| TOTAL LICENSED (Active, Inactive & Retired Statuses) | 5380 | 5547 | 5474 | 5983 | 5940 | 6405 | 6410 | 6896 | 6867 | 7286 |

Physician Assistant Licensure Statistics (2001-2010)

The number of physician assistants increased by 6.7% in 2010. The locale of physician assistants trends similarly to the locale of physicians statewide, as is shown on the following table. The only counties showing notable growth in the number of physician assistants are Clark and Washoe Counties.

| County | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Carson City | 11 | 11 | 9 | 9 | 12 | 14 | 15 | 15 | 14 | 13 |
| Churchill | 3 | 3 | 5 | 6 | 5 | 3 | 6 | 7 | 6 | 4 |
| Clark | 129 | 153 | 173 | 215 | 230 | 262 | 271 | 307 | 310 | 332 |
| Douglas | 4 | 4 | 6 | 4 | 8 | 10 | 15 | 15 | 10 | 11 |
| Elko | 6 | 7 | 3 | 3 | 3 | 7 | 7 | 6 | 5 | 5 |
| Esmeralda | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eureka | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 |
| Humboldt | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 |
| Lander | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 0 |
| Lincoln | 0 | 0 | 0 | 1 | 1 | 2 | 3 | 2 | 3 | 3 |
| Lyon | 2 | 1 | 1 | 4 | 4 | 4 | 2 | 4 | 5 | 6 |
| Mineral | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Nye | 6 | 8 | 5 | 7 | 10 | 10 | 6 | 10 | 6 | 7 |
| Pershing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Storey | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 |
| Washoe | 28 | 30 | 41 | 48 | 61 | 71 | 76 | 83 | 82 | 91 |
| White Pine | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| TOTAL ACTIVE STATUS | 194 | 223 | 248 | 302 | 339 | 389 | 407 | 455 | 446 | 476 |

Practitioner of Respiratory Care Licensure Statistics (2001-2010)

The number of respiratory therapists increased by 10% in 2010. Most of the growth was focused in Clark and Washoe Counties.

| County | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| Carson City | 11 | 14 | 10 | 11 | 9 | 10 | 9 | 10 | 12 | 12 |
| Churchill | 5 | 4 | 8 | 9 | 8 | 9 | 8 | 8 | 5 | 5 |
| Clark | 399 | 449 | 491 | 557 | 557 | 640 | 655 | 743 | 798 | 880 |
| Douglas | 12 | 19 | 13 | 13 | 12 | 14 | 16 | 18 | 20 | 20 |
| Elko | 6 | 6 | 5 | 5 | 7 | 10 | 7 | 7 | 5 | 6 |
| Esmeralda | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eureka | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Humboldt | 4 | 10 | 5 | 6 | 3 | 3 | 5 | 5 | 4 | 4 |
| Lander | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 1 | 1 |
| Lincoln | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 0 | 0 |
| Lyon | 10 | 16 | 18 | 19 | 19 | 19 | 19 | 20 | 16 | 18 |
| Mineral | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 3 | 3 |
| Nye | 7 | 15 | 7 | 10 | 11 | 10 | 11 | 8 | 10 | 11 |
| Pershing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Storey | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 0 |
| Washoe | 122 | 154 | 152 | 163 | 151 | 153 | 154 | 163 | 160 | 176 |
| White Pine | 2 | 1 | 3 | 3 | 3 | 3 | 2 | 2 | 3 | 4 |
| TOTAL ACTIVE STATUS | 587 | 748 | 719 | 803 | 787 | 878 | 892 | 993 | 1037 | 1140 |

Perfusionist Licensure Count (2010)*

| County | 2010 |
|----------------------------|-----------|
| Carson City | 1 |
| Churchill | 0 |
| Clark | 20 |
| Douglas | 0 |
| Elko | 0 |
| Esmeralda | 0 |
| Eureka | 0 |
| Humboldt | 0 |
| Lander | 0 |
| Lincoln | 0 |
| Lyon | 0 |
| Mineral | 0 |
| Nye | 0 |
| Pershing | 0 |
| Storey | 0 |
| Washoe | 5 |
| White Pine | 0 |
| TOTAL ACTIVE STATUS | 26 |

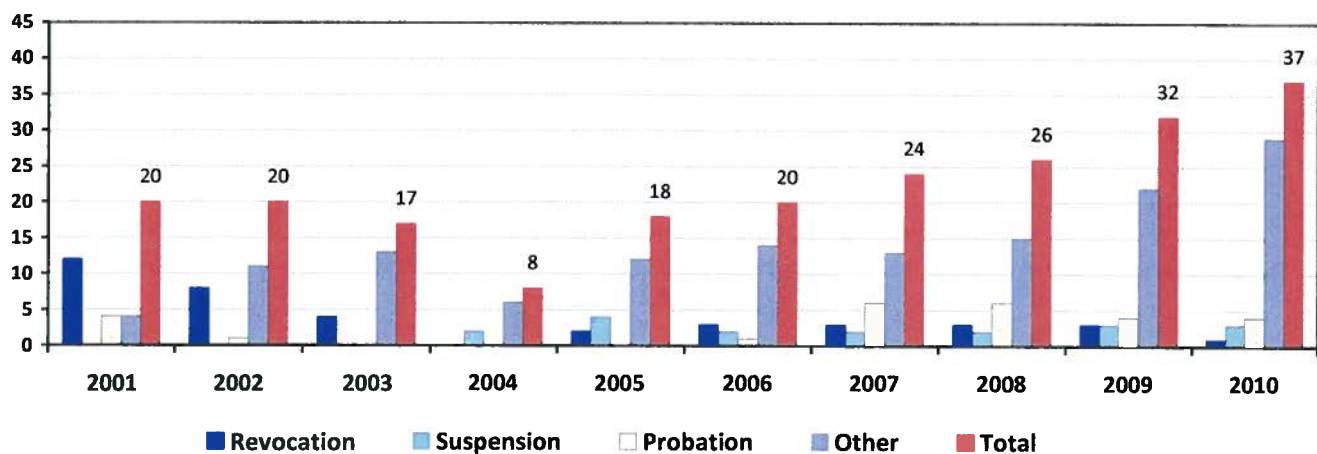
*In 2009, the Nevada State Legislature passed legislation requiring that all perfusionists must be licensed. No perfusionists were licensed by the Board prior to 2010.

Complaints, Investigations and Discipline

The upward trend in complaints processed by the Board continued in 2010.

In 2010, the Board opened 775 investigations, closed 923 investigations (many of which, of course, originated in preceding years) and imposed 37 disciplinary actions in 36 matters. The graph below shows the number and types of discipline imposed by the Board regarding physicians for the last ten years. As the graph indicates, the number of disciplinary matters coming before the Board has continued to increase over the last six years.

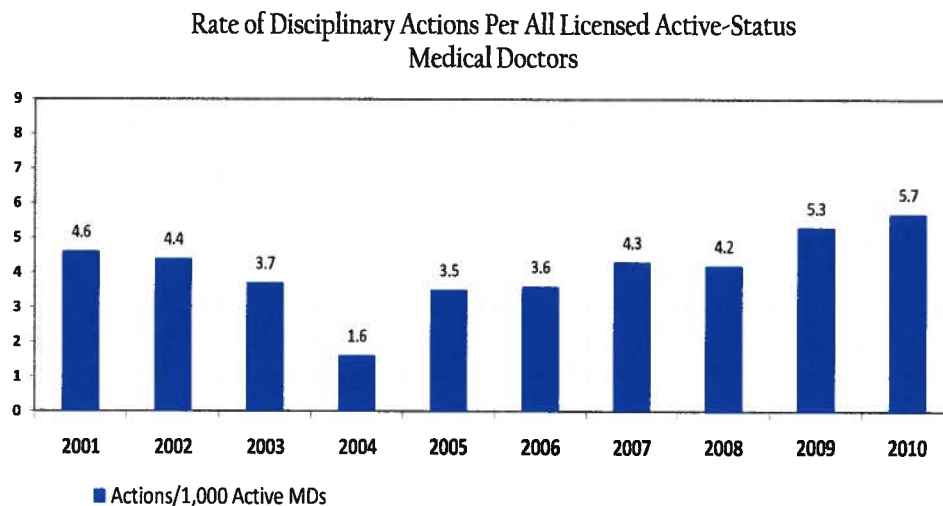
Disciplinary Actions Taken Against Medical Doctors*



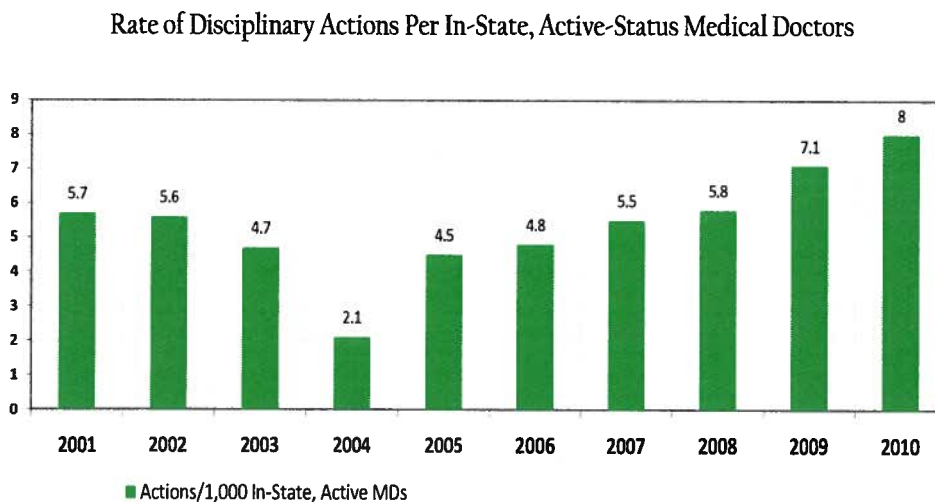
Note: Other actions include: Voluntary Surrender of License While Under Investigation, License Restriction, Public Reprimand, Licensure Denial, CME Ordered, Drug or Alcohol Treatment Program Ordered, and Competency Exam Ordered.

*Any discrepancy in these numbers from a report published by any other source is due to: (1) differences in verbiage or categorization; or (2) differences in the number of actions taken per practitioner.

The graph below shows the rate of disciplinary actions taken by the Board per 1,000 active-status licensed physicians for the last ten years.



The graph below shows the rate of disciplinary actions taken by the Board per 1,000 in-state, active-status, licensed physicians for the last ten years.



DISCIPLINARY ACTION REPORT

ATKINS, Marilyn, R.R.T. (RC802)

Las Vegas, Nevada

Summary: Alleged failure to comply with an order of the Board's Investigative Committee to participate in, and remain in compliance with, a drug treatment program, and inability to practice respiratory care with reasonable skill and safety because of use of narcotics.

Charges: One count violation of NRS 630.3065(2)(a) [willful failure to comply with an order of the Board or an investigative committee of the Board]; one count violation of NRS 630.306(1) [inability to practice respiratory care with reasonable skill and safety because of use of narcotics].

Disposition: At the conclusion of the hearing on the Motion for Order to Show Cause filed by the Investigative Committee of the Board, the Board found that Ms. Atkins had failed to comply with the terms of the settlement agreement accepted and adopted by the Board at its meeting on September 10, 2010, and lifted the stay of revocation and revoked Ms. Atkins' license to practice respiratory care in the state of Nevada.

BEATY, Sean, M.D. (11844)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Beaty's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Beaty violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) completion of six hours CME regarding the topic of management of barium enemas following endoscopy and colonoscopy; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

BEECHAM, James, M.D. (5627)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Beecham's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Beecham violated NRS 630.301(4) and imposed the following discipline against him: (1) reimbursement of the Board's fees and costs of investigation and prosecution.

CARROL, Clifford, M.D. (8160)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Carrol's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice].

Disposition: On June 10, 2011, the Board accepted a Settlement, Waiver and Consent Agreement whereby Dr. Carrol will complete eight hours CME regarding the subject of documentation of colonoscopies (if available) and/or advances in colonoscopy; (2) submit to random reviews of his charts for a period of six months; and (3) reimburse the Board's fees and costs of investigation and prosecution.

CHUN, Lorraine, M.D. (9516)

Warrenton, Virginia

Summary: Alleged malpractice related to Dr. Chun's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Chun violated NRS 630.301(4) and imposed the following discipline against her: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

CONTI, Ralph, M.D. (6034)

Henderson, Nevada

Summary: Alleged failure to comply with two orders from the Board's Investigative Committee – the first requesting a response and records and the second ordering him to appear before the Committee.

Charges: One count violation of NRS 630.3065(2)(a) [willful failure to comply with a regulation, subpoena or order of the Board or an investigative committee of the Board].

Disposition: On June 10, 2011, the Board found Dr. Conti guilty of violating NRS 630.3065(2)(a) and imposed the following discipline against him: (1) public reprimand; (2) \$4,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

CRUZ, Anthony, C.R.T. (RC598)

Las Vegas, Nevada

Summary: Exhibited signs of impairment while at work at a hospital and was found to have been under the influence of an illegal drug.

Charges: One count violation of NAC 630.540(9) [rendering respiratory care to a patient while under the influence of any controlled substance]; one count violation of NRS 630.306(1) [inability to practice respiratory care with reasonable skill and safety because of use of narcotics].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Mr. Cruz violated NAC 630.540(9) and NRS 630.306(1) and imposed the following discipline against him: (1) revocation of license, stayed contingent upon compliance with terms and conditions of 60 months' probation.

EDWARDS, Joseph, M.D. (5496)

Las Vegas, Nevada

Summary: Alleged failure to comply with two orders from the Board's Investigative Committee – the first requesting a response and records and the second ordering him to appear before the Committee.

Charges: One count violation of NRS 630.3065(2)(a) [willful failure to comply with a regulation, subpoena or order of the Board or an investigative committee of the Board].

Disposition: On June 10, 2011, the Board found Dr. Edwards guilty of violating NRS 630.3065(2)(a) and imposed the following discipline against him: (1) public reprimand; (2) \$4,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

FINCH, Sudhir, M.D. (11710)

Las Vegas, Nevada

Summary: Disciplinary action taken against his medical license in North Carolina.

Charges: One count violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Finch violated NRS 630.301(3) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

FOOTE, Ronald, M.D. (9240)

Las Vegas, Nevada

Summary: Alleged violation of the terms of the Settlement Agreement accepted by the Board on August 7, 2009.

Disposition: On March 11, 2011, the Board accepted a Settlement Agreement by which it found Dr. Foote violated NRS 630.3065(2)(a) [willful failure to comply with a regulation, subpoena or order of the Board or an investigative committee of the Board] and imposed the following discipline against him: (1) public reprimand; (2) \$2,000 fine; (3) revo-

cation of license, stayed contingent upon compliance with various terms and conditions of probation; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

FORREST, Michael, P.A.-C (PA639)

Seaside, Oregon

Summary: Alleged malpractice related to Mr. Forrest's care of a patient, failure to maintain adequate medical records, and writing prescriptions for controlled substances to treat acute or chronic pain in an inappropriate manner.

Charges: One count violation of NAC 630.380(1)(f) [malpractice]; one count violation of NAC 630.380(1)(m) and NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient]; one count violation of NAC 630.380(1)(l) and NAC 630.230(1)(1) [writing prescriptions for controlled substances to treat acute or chronic pain in a manner that deviates from the guidelines set forth in the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain*, adopted by the Board].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Mr. Forrest violated NAC 630.380(1)(f), NAC 630.380(1)(m) and NRS 630.3062(1), as set forth in Counts I and II of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution. Count III of the Complaint was dismissed.

HADUONG, Quan, M.D. (7683)

Las Vegas, Nevada

Summary: Alleged prescribing of controlled substances in a manner not authorized by law, and failure to maintain adequate medical records.

Charges: One count violation of NRS 630.306(2)(c) [engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy]; one count violation of NRS 630.306(3) [administering, dispensing or pre-

scribing a controlled substance except as authorized by law]; one count violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Haduong violated NRS 630.306(2)(c), NRS 630.306(3) and NRS 630.3062(1) and imposed the following discipline against him: (1) public reprimand; (2) \$6,000 fine (\$2,000 per count); (3) reimbursement of the Board's fees and costs of investigation and prosecution.

JIANU, Tudor C., M.D. (8309)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Jianu's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice]; one count violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On June 10, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Jianu violated NRS 630.301(4), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) completion of six hours AMA Category I CME regarding the avoidance, recognition and/or treatment of medication allergies; (3) reimbursement of the Board's fees and costs of investigation and prosecution. Count II of the Complaint was dismissed.

KAPLAN, Michael S., M.D. (5983)

Henderson, Nevada

Summary: Verified and admitted re-use of single-use-only endocavity needle guides during the performance of prostate biopsies.

Statutory Authority: NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or a patient served by the physician].

Action Taken: On March 14, 2011, the Investigative Committee summarily suspended Dr. Kaplan's license until further order of the Investigative Committee or the Board of Medical Examiners.

Note: Reinstated to practice with temporary conditions on April 12, 2011.

KHALEK, Abdel, M.D. (6899)

Las Vegas, Nevada

Summary: Alleged failure to maintain adequate medical records.

Charges: One count violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Khalek violated NRS 630.3062(1) and imposed the following discipline against him: (1) public reprimand; (2) \$2,500 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution; (4) should Dr. Khalek renew his license, he shall complete six hours CME regarding the subject of medical records and billing.

MISHLER, William, M.D. (3920)

Reno, Nevada

Summary: Alleged malpractice related to Dr. Mishler's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Mishler violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

RUECKL, Frank, Jr., M.D. (4409)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Rueckl's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice].

Disposition: On June 10, 2011, the Board accepted a Settlement Agreement by which it found

Dr. Rueckl violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

SACK, David, M.D. (10581)

Miami Beach, Florida

Summary: Alleged failure to maintain adequate medical records.

Charges: One count violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Sack violated NRS 630.3062(1) and imposed the following discipline against him: (1) public reprimand; (2) completion of 10 hours CME regarding the subject of medical record keeping; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

SIDDIQUI, Abdul-Sami, M.D. (8548)

North Las Vegas, Nevada

Summary: Disciplinary action taken against his medical license in Texas and failure to report same to the Board.

Charges: One count violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one count violation of NRS 630.306(11) [failure to report in writing, within 30 days, any disciplinary action taken against the licensee by another state, the Federal Government or a foreign country].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Siddiqui violated NRS 630.301(3) and imposed the following discipline against him: (1) public reprimand; (2) \$4,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

SOMERS, James, P.A.-C (PA658)

Las Vegas, Nevada

Summary: Alleged malpractice related to Mr. Somers' care of a patient.

Charges: One count violation of NAC 630.380(1)(f) [malpractice].

Disposition: On June 10, 2011, the Board found Mr. Somers guilty of violating NAC 630.380(1)(f) and imposed the following discipline against him: (1) public reprimand; (2) completion of five hours CME regarding the treatment of paronychia and osteomyelitis of the fingers, or treatment of infections of the bone; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

VICTORIA, Edward, M.D. (12452)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Victoria's care of a patient.

Charges: One count violation of NRS 630.301(4) [malpractice].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Victoria violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) completion of eight hours AMA Category I CME, four hours of which should include gastroenterology and/or endoscopic procedures and complications, including PEG tube placement, and the other four hours focused on Dr. Victoria's area of practice; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

WASHINSKY, Joel, M.D. (5955)

Las Vegas, Nevada

Summary: Alleged dependency on controlled substances and prescribing of controlled substances in a manner not authorized by law.

Charges: One count violation of NRS 630.306(8) [dependency on controlled substances]; one count violation of NRS 630.306(2)(c) [engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy]; one count violation of NRS 630.306(3)

[administering, dispensing or prescribing a controlled substance except as authorized by law].

Disposition: On March 11, 2011, the Board accepted a Settlement, Waiver and Consent Agreement by which it found Dr. Washinsky violated NRS 630.306(8), NRS 630.306(2)(c) and NRS 630.306(3), as set forth in Counts I, II and III of the Complaint, and imposed the following discipline against him: (1) license suspended for 48 months, with 10 months' credit for the time his license was suspended since May 2010, and the remainder of the suspension stayed contingent upon compliance with terms and conditions of 60 months' probation.

WYATT, Arthur, Jr., M.D. (1757)

Long Beach, California

Summary: Dr. Wyatt voluntarily surrendered his license to practice medicine in Nevada while under investigation.

Statutory Authority: NAC 630.240 [voluntary surrender of license].

Disposition: On June 10, 2011, the Board accepted Dr. Wyatt's voluntary surrender of his license to practice medicine in Nevada while under investigation.

PUBLIC REPRIMANDS ORDERED BY THE BOARD

SEAN BEATY, M.D.

March 28, 2011

Sean Beaty, M.D.
4101 Wagon Trail Ave.
Las Vegas, NV 89118

Dr. Beaty:

On March 11, 2011, the Nevada State Board of Medical Examiners found you committed one (1) violation of the Medical Practice Act of the state of Nevada, more specifically:

That you committed a violation of NRS 630.301(4) and NAC 630.040 as one count of malpractice set forth and outlined in count I of the Complaint filed in this matter.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand; that you shall reimburse the Nevada State Board of Medical Examiners the reasonable costs of investigation and prosecution of this matter in the current amount of \$2,122.12; that you shall complete six (6) credits of continuing medical education (CME) regarding the management of barium enemas following endoscopy and colonoscopy. The CME course(s) are to be pre-approved by the Board, the Investigative Committee and/or its staff and are to be completed within twelve (12) months of the adoption and approval of this Agreement by the Board. Said CME's shall be in addition to any other continuing medical education required as a condition of licensure.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

LORRAINE CHUN, M.D.

March 28, 2011

Lorraine Chun, M.D.
247 Amber Circle
Warrenton, VA 20186

Dr. Chun:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 10-19389-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that your care of the patient at issue constitutes a violation of NRS 630.301(4), malpractice, as defined by NAC 630.040. The Order calls for you to be publicly reprimanded and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$4,079.99.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

RALPH CONTI, M.D.

June 13, 2011

Ralph Conti, M.D.
6301 Mountain Vista #205
Henderson, NV 89014

Dr. Conti:

On June 10, 2011, the Nevada State Board of Medical Examiners (Board) found that you committed a violation of the Medical Practice Act, Nevada Revised Statutes Chapter 630.

The Board specifically found that you violated Nevada Revised Statute Section

630.3065(2)(a) when you willfully failed to comply with two Orders of the Investigative Committee of the Nevada State Board of Medical Examiners.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Board entered its ORDER as follows: That you shall be issued a public reprimand, that you shall pay a fine of \$4,000.00, and that you shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this matter in the amount of \$3,985.01.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

ANTHONY CRUZ, C.R.T.

March 29, 2011

Anthony Cruz, C.R.T.
2300 E. Silverado Ranch Blvd. #1014
Las Vegas, NV 89183

Mr. Cruz:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 10-23453-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you committed three violations of the Medical Practice Act, specifically: rendering respiratory care while under the influence of alcohol or narcotics, a violation of NAC 630.540(9); inability to practice respiratory care with reasonable skill and safety because of the use of narcotics, a violation of NAC 630.540(23) and NRS 630.306(1); and making a false or fraudulent statement when applying for or renewing a license to practice respiratory care, a violation of NAC 630.540(1).

The Order calls for your license to practice respiratory care to be revoked with the revocation being stayed and you being placed on probation for a period of sixty (60) months with multiple terms and conditions, including that you are to be publicly reprimanded, that you comply with and complete your contract through the PRN-PRN program, and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$2,395.21.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

JOSEPH EDWARDS, M.D.

June 13, 2011

Joseph Edwards, M.D.
630 Trade Center Drive
Las Vegas, NV 89119

Dr. Edwards:

On June 10, 2011, the Nevada State Board of Medical Examiners (Board) found that you committed a violation of the Medical Practice Act, Nevada Revised Statutes Chapter 630.

The Board specifically found that you violated Nevada Revised Statute Section 630.3065(2)(a) when you willfully failed to comply with two Orders of the Investigative Committee of the Nevada State Board of Medical Examiners.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Board entered its ORDER as follows: That you shall be issued a public reprimand, that you shall pay a fine of \$4,000.00, and that you shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this matter in the amount of \$3,914.39.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

SUDHIR FINCH, M.D.

March 28, 2011

Sudhir Finch, M.D.
1333 N. Buffalo Dr., Ste. 290
Las Vegas, NV 89128

Dr. Finch:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 11-31115-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that the disciplinary action taken against your license to practice medicine by the North Carolina Medical Board constitutes a violation of NRS 630.301(3). The Order calls for you to be publicly reprimanded and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$432.90.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

RONALD H. FOOTE, M.D.

March 25, 2011

Ronald H. Foote, M.D.
c/o L. Kristopher Rath, Esq.
Hutchison & Steffen
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145

Dr. Foote:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to case number 11-12899-1.

In accordance with its acceptance, the Board has entered an Order which indicates that the circumstances surrounding your conduct in March of last year are grounds for discipline under Nevada Revised Statute 630.3065(2)(a), as your conduct was in violation of two previously entered Board Orders. The current Order calls for you to be publicly reprimanded and to be fined in the amount of \$2,000.00. It also calls for your license to practice medicine in the state of Nevada to be revoked, with that revocation stayed, contingent upon your compliance with the associated terms included in the Settlement Agreement. Finally, you are to pay the costs of investigation and prosecution of this matter, which totals \$1,328.73.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

MICHAEL FORREST, P.A.-C.

March 28, 2011

Michael Forrest, P.A.-C
2118 Forest Drive
Seaside, OR 97138

Mr. Forrest:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board)

accepted the Settlement, Waiver, and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 10-18540-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you committed two violations of the Medical Practice Act: specifically, that your care of the patient at issue constituted a violation of NAC 630.380(1)(f), malpractice, as defined by NAC 630.040, and that you failed to maintain timely, legible, accurate and complete medical records for the patient, a violation NAC 630.380(1)(m) and NRS 630.3062(1). The Order calls for you to be publicly reprimanded and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$4,642.20.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

QUAN HADUONG, M.D.

March 28, 2011

Quan Haduong, M.D.
1 Awbrey Court
Henderson, NV 89052

Dr. Haduong:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 10-11137-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you committed three violations of the Medical Practice Act, specifically: that you engaged in conduct which violates a regulation of the State

Board of Pharmacy, a violation of NRS 630.306(2)(c); that you administered, dispensed or prescribed a controlled substance in a manner not authorized by law, a violation of NRS 630.306(3); and that you failed to maintain timely, legible, accurate and complete medical records for the patient at issue, a violation of NRS 630.3062(1). The Order calls for you to be publicly reprimanded, that you be fined \$2,000 per count, for a total of \$6,000, and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$874.19.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

TUDOR C. JIANU, M.D.

June 13, 2011

Tudor C. Jianu, M.D.
8420 S Eastern Ave #101
Las Vegas, NV 89123

Dr. Jianu:

On June 10, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver, and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 11-11846-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you committed one violation of the Medical Practice Act: specifically, that your care of the patient at issue constituted a violation of NRS 630.301(4), malpractice as defined by NAC 630.040, when you failed to use the reasonable care skill, or knowledge ordinarily used under circumstances in your care of the patient. The Order calls for you to be publicly reprimanded, orders you to complete six hours of

continuing medical education and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$2,003.07.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

ABDEL KHALEK, M.D.

March 28, 2011

Abdel Khalek, M.D.
4500 Meadows Lane
Las Vegas, NV 89107

Dr. Khalek:

On March 11, 2011, the Nevada State Board of Medical Examiners found you committed one (1) violation of the Medical Practice Act of the state of Nevada, more specifically:

That you committed a violation of NRS 630.3062(1), as set forth in the Complaint filed in this matter, as one (1) count failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its ORDER as follows:

That you shall be issued a public reprimand; that you shall pay a fine of \$2,500.00; that you shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, the current amount being \$2,084.06, along with the costs to conclude the matter, if any; the costs and fines shall be paid to the Nevada State Board of Medical Examiners within thirty (30) days of the Board's acceptance and approval of this agreement; that should you renew your license to practice medicine, you shall

participate in, and complete, a continuing medical education (CME) class of six (6) credits concerning medical records and billing. Said CME's shall be in addition to any other continuing medical education required as a condition of licensure.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

WILLIAM MISHLER, M.D.

March 28, 2011

William Mishler, M.D.
641 Humboldt Street
Reno, NV 89509

Dr. Mishler:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 11-5674-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that your care of the patient at issue constituted a violation of NRS 630.301(4), malpractice, as defined by NAC 630.040. The Order calls for you to be publicly reprimanded and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$1,033.97.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

FRANK V. RUECKL, JR., M.D.

July 1, 2011

Frank V. Rueckl, M.D.
c/o Edward J. Lemons, Esq.
6005 Plumas, 3rd Floor
Reno, NV 89519

Dear Dr. Rueckl:

On June 10, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal complaint filed against you regarding case number 11-6386-1.

In accordance with its acceptance, the Board has entered an Order which indicates that your care and treatment of the patient at issue in the underlying matter was inconsistent with the appropriate standard of care that should have been applied based upon the circumstances, a violation of Nevada Revised Statute 630.301(4). The Order also calls for you to be publicly reprimanded and that you pay the associated costs of investigation and prosecution of this matter.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional discredit upon you and which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

JAMES SOMERS, P.C.-C

James Somers, P.A.-C
3315 E. Russell Road, Suite A-4, #410
Las Vegas, NV 89120

June 14, 2011

Dear Mr. Somers:

On June 10, 2011, the Nevada State Board of Medical Examiners found you committed one (1) violation of the Medical Practice Act of the state of Nevada, more specifically:

That you committed one violation of the Nevada Administrative Code Section 630.380(1)(f) and Section 630.040 involving Patient A when you failed to seek consultation with the supervising physician; when you failed to refer the matter to a specialist; and, when you failed to perform diagnostic testing such as an x-ray or other imaging study.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand, that you shall reimburse the Nevada State Board of Medical Examiners the reasonable costs of investigation and prosecution of this matter in the current amount of \$12,077.52, along with the costs to conclude the matter, if any, and that you shall attend and participate in five (5) hours of CME in the treatment of paronychia and osteomyelitis of the fingers, or treatment of infections of the bone within six (6) months of the date of the filing of this Order.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

EDWARD VICTORIA, M.D.

March 28, 2011

Edward Victoria, M.D.
6857 W. Charleston Blvd.
Las Vegas, NV 89117

Dr. Victoria:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 11-33039-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that your care of the patient at issue constitutes a violation of NRS 630.301(4), malpractice, as defined by NAC 630.040. The Order calls for you to be publicly reprimanded, requires you to take eight hours of continuing medical education and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$2,185.07.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

JOEL WASHINSKY, M.D.

March 29, 2011

Joel Washinsky, M.D.
c/o A. Maria Maskall, Esq.
Lee, Hernandez, Brooks,
Garafalo & Blake
7575 Vegas Blvd., Suite 150
Las Vegas, NV 89128

Dr. Washinsky:

On March 11, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver, and Consent Agreement between you and the Board's Investigative Committee in relation to the formal complaint filed against you in case number 10-8162-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you committed three violations of the Medical Practice Act, specifically: dependency on controlled substances, a violation of NRS 630.306(8); engaging in conduct which violates a regulation of the State Board of Pharmacy, a violation of NRS 630.306(2)(c); and administering, dispensing or prescribing a controlled substance or dangerous drug except as

authorized by law, a violation of NRS 630.306(3).

The Order calls for your license to be suspended for a period of forty-eight (48) months, with credit for the time your license has already been suspended, and that the remainder of the suspension shall be stayed and you be placed on probation for a period of sixty (60) months with multiple terms and conditions, including that you are to be publicly reprimanded, that you comply with and complete your contract through the PRN-PRN program and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$4,698.50.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Charles N. Held, M.D., President
Nevada State Board of Medical Examiners

NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Ste. 301
Reno, NV 89502-2144

ADDRESS SERVICE REQUESTED